

# The Pacific Commercial Advertiser

U. S. WEATHER BUREAU, December 5.—Last 24 hours' rainfall, .15.  
Temperature, Max. 79; Min. 75. Weather, variable.

SUGAR—96 Degree Test Centrifugals, 3.84375c; Per Ton, \$76.875.  
88 Analysis Beets, 9s. 1 1-2d.; Per Ton, \$78.20.

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HONOLULU, HAWAII TERRITORY, THURSDAY, DECEMBER 6, 1906.

PRICE FIVE CENTS

## PRESIDENT'S STERN THREAT TO THE CALIFORNIANS

### Declares He Will Enforce Treaty With Power of Arms.

### Sharply Warns Hawaii's Planters to Support the Policy of Americanization.

(Special Cablegram to the Advertiser.)

SAN FRANCISCO, Dec. 6.—THE PRESIDENT, IN THE ANNUAL MESSAGE TO CONGRESS, EULOGIZED THE JAPANESE PEOPLE, DENOUNCED THE EXCLUSION OF JAPANESE CHILDREN FROM SAN FRANCISCO SCHOOLS, AS EVIDENCE OF THE LACK OF CIVILIZATION THERE AND DECLARED THAT HE SHOULD USE THE CIVIL OR MILITARY POWER, AS THE CASE MIGHT BE, TO GIVE FORCE AND EFFECT TO THE TREATY RIGHTS OF THE JAPANESE.

THE PRESIDENT RECOMMENDED FURTHER THE ENACTMENT OF LAWS GIVING THE FEDERAL EXECUTIVE POWER TO SUPERSEDE THE AUTHORITY OF ANY STATE IN THE TREATMENT OF QUESTIONS OF AN INTERNATIONAL CHARACTER.

HE ALSO URGED THE ENACTMENT OF LAWS PERMITTING THE NATURALIZATION OF JAPANESE SUBJECTS.

### AN AMERICAN HAWAII.

ON THE SUBJECT OF HAWAII THE PRESIDENT SAID:

"WHENEVER THE LEADERS IN THE GREAT INDUSTRIES OF THE ISLANDS FINALLY ADOPT OUR IDEALS AND JOIN IN DEVELOPING A MIDDLE-CLASS OF SUBSTANTIAL CITIZENS, A WAY WILL BE FOUND TO DEAL WITH THE INDUSTRIAL AND COMMERCIAL PROBLEMS OF THE TERRITORY."

### OTHER RECOMMENDATIONS.

FURTHER RECOMMENDATIONS OF THE PRESIDENT ARE:

- FREE TRADE OR A REDUCED TARIFF FOR THE PHILIPPINES.
- AID TO EDUCATION AND INTERNAL IMPROVEMENTS.
- A SHIP SUBSIDY.
- INHERITANCE AND INCOME TAXES.
- CITIZENSHIP FOR PORTO RICANS.
- RELEGATION OF MARRIAGE AND DIVORCE LAWS TO CONGRESS.
- THE ENACTMENT OF CHILD LABOR LAWS FOR THE TERRITORIES.

### SENATE WANTS LIGHT.

WASHINGTON, December 5.—The Senate has called for copies of the documents in connection with the San Francisco schools.

### WERE THANKED BY THE COMMISSIONER

At a meeting of the officials connected with the local immigration station yesterday, United States Immigration Commissioner Sargent thanked them for the very satisfactory manner in which they had discharged their duties during the past strenuous week. The meeting had been called by Chief Inspector R. C. Brown at Mr. Sargent's request, the Commissioner having not had any previous opportunity of meeting the men together.

In the course of a very pleasant

speech, Mr. Sargent expressed his appreciation of the willing manner in which every man connected with the local service had performed his duties in connection with the handling of the thirteen hundred aliens arriving on the S. S. Suveric, complimenting them on their proficiency in their work and the success which had attended their arduous efforts to make the immigrants comfortable and attend to their needs. There was nothing whatever at this meeting, nor in the notice calling it, nor in the idea which prompted the posting of the notice, to justify the report in an evening paper that the meeting had been called to allow the employees at the station to register any complaints regarding either their hours or pay with the Commissioner. There is no dissatisfaction whatever among the immigration officials and they are considerably annoyed at the reports published yesterday afternoon.



PRESIDENT ROOSEVELT.

## IAUKEA HAS TWO MORE CHANCES YET

### Court Will Reexamine the Ballots and May See Fit to Order a New Election---Brown Holds Lead of One.

Although the official tally as revised and announced in court yesterday still gave Arthur M. Brown a majority of one vote for County Sheriff, Curtis P. Iaukea still has two more chances of filling that office for the next term. Perhaps he has more, for there is no saying what his astute counsel may have up their sleeves, but either one of two chances of his landing in the office is at this juncture quite probable.

One of the chances is a further scrutiny by the Supreme Court of the ballots examined by it in the earlier part of the investigation when large gains were made by Brown. Yesterday afternoon the court as good as promised such a reexamination. Its result may change Brown's majority to a minority. The other chance is that a new election may be ordered. Iaukea's counsel closed his fight yesterday with a strong argument for a new election, on the ground that Brown, from the showing of the will of the voters, was a beaten man and, as the contestant, had failed to produce a preponderant array of evidence that he was entitled to the office.

Such is the dual situation that existed when the court yesterday afternoon continued the proceedings until 9 o'clock Friday morning.

This is the count declared in court yesterday morning:

	Brown.	Iaukea.
Fourth District.....	1341	1383
Fifth District.....	1344	1301
Totals .....	2685	2684

Some more or less interesting evidence was given yesterday before the court asked for argument on law points. There was strong rebuttal, for one thing, of the tacit charges on behalf of Brown that five votes for him were wilfully omitted to be counted in the Fifth Precinct of the Fourth District.

### THE ARGUMENT.

Mr. Kinney, after the conclusion of evidence, proceeded to argue law points. He began with the reserved question on rejection of ballots as a whole upon which more votes for a particular office were marked than candidates to be elected. There was a provision in the Organic Act that no votes of certain classes shall be counted. In the matter of county ballots the only

ruling was an oral one in the Fernandez case. It is a vital point in this case. Mr. Kinney represented, where it was the sword that mowed down 200 votes for Iaukea. Brown, as a matter of fact and in the eye of the public, is a beaten man. The courts have ruled on the question of a surplus vote as an identifying mark. This court ruled on it under the statute. The general law made a provision that such ballots should be rejected before there was a county election or any county officers.

This law provided that there should be separate ballots for Senators, Representatives and Delegate. It was a common-sense provision. Now the mandate of the law is brought in to apply to an entirely different proposition. As to legislative offices it was a necessary and wholesome provision. Applied to the various county offices it is a misfit and results in a shocking of the public conscience. It was against reason to apply it to the election of the many different officers as Sheriff, Deputy Sheriff, Supervisor at Large, Attorney, Treasurer, Auditor, Clerk and District Supervisors. When its original purpose is carried out it is all right, but when it is applied so as to shock the reason the court is not required to enforce the rule. The County Act does not require it. That measure speaks of the "number" as well as the color of the ballots. Joining these ballots—intended to be separate from the analogy of legislative ballots—on one paper does not alter their legal status as separate ballots.

Mr. Kinney here quoted authorities in support of his views, saying a contrary decision of South Carolina was not contrary with regard to the cross as a distinguishing mark.

Chief Justice Frear said counsel would require to present evidence on this point, as no count was kept of ballots thrown out for that reason.

"There will be no contest if this point is conceded," Mr. Kinney remarked. "However, the ballots themselves are in evidence."

The court had declared that it had no authority to make a recount. It was hearing a contest. He was glad the responsibility was on the court. It was a computation of how many voted for too many men, how many put the cross inside, etc. If a vote was erased so as to leave a distinguishing mark it should be rejected, but when it is rubbed out so that a magnifying glass is required to find the marks of erasure it is a different matter. If fifty sets of judges of most unimpeachable integrity had to decide such a fine point, the speaker doubted (Continued on Page Seven.)

## TOKIO THINKS THAT SAN FRANCISCO WILL YIELD

### Praises the Stand of President Roosevelt---Congressman Kahn Is Optimistic.

(Associated Press Cablegrams.)

TOKIO, December 6.—The message of President Roosevelt on the San Francisco affair is highly praised here and it is believed that San Francisco will yield the point in dispute.

KAHN IS OPTIMISTIC.

SAN FRANCISCO, December 6.—Congressman Julius Kahn characterizes the Japanese affair as a tempest in a teapot and says that it will die down as soon as San Francisco's position is understood.

### IMPORTANT BANK BILL.

WASHINGTON, December 6.—The House has passed the bill permitting national banks to loan money on real estate.

### THE PRESS IN WAR PAINT.

SAN FRANCISCO, December 5.—The press is very severe with Roosevelt's attitude towards the Japanese.

### AFTERNOON CABLE REPORT.

SAN FRANCISCO, December 5.—Supervisor Nichols has begun a technical defense.

WASHINGTON, December 5.—The President has sent a special message to Congress asking it to grant the executive the authority to dismiss any army or navy officer who is considered unfit for service.

KANSAS CITY, December 5.—Collection Teller Anderson of the First National Bank is missing. He is \$9000 short in his accounts.

WASHINGTON, D. C., December 5.—President Roosevelt has nominated Shuster a Philippine Commissioner and Secretary of Public Instruction.

## BIRBE HAS LEVANTED

### Finds Honolulu Too Hot to Hold Him.

"If you want to write me send your letters to me at the following address:

"H. C. BIRBE, JR.,  
"1428, 17th Ave South,  
"San Francisco, Cal."

This was the message delivered to Jacob Coerper by a waiter at Camara's Cobweb Cafe yesterday morning.

When Mr. Coerper sat down at his accustomed place in the dining room he found a piece of paper torn from the top of a newspaper on which was written the Birbe address as noted above, lying near his plate, and it was in Birbe's well known handwriting. The waiter supplied the information preceding the address.

On Tuesday night Birbe had a talk with Mr. Coerper who at one time employed him in a clerical capacity when Mr. Coerper was promoting the West Hawaii Railway. Mr. Coerper has always been a good friend of Birbe and whenever he came to town from Hawaii on occasional visits, Birbe generally sought him out.

After some preliminary talk Tuesday evening, Birbe told Mr. Coerper that he intended "clearing out of Honolulu and going to the Coast on the Nevada," as Mr. Coerper understood the name of the boat, which was probably the Nebraskan, now in port.

At first Birbe told Mr. Coerper that he was tired of Honolulu and intended leaving at once but again he said that he intended going to the Coast to secure a load of hogs for Wagner's Stockyards at Kalihi. Wagner, by the way, is said to be Birbe's uncle.

The Nebraskan did not leave yesterday for San Francisco via Kahului, her departure being postponed to Friday. But the Alameda left yesterday morning. Birbe was not seen yesterday.

day by Coerper nor was he in his usual haunts.

"I don't know just why Birbe intended leaving, other than what he told me," said Mr. Coerper last evening. "It is my opinion that Birbe has been used as a tool by some people and that he has found that he has been just a tool for others and has got good and tired of it and decided to clear out. The address he left with me is the address of his folks in San Francisco who are very nice people."

Other opinions are that Birbe wanted to avoid the grand jury and the fraud issue in the courts.

## TERRITORY, NOT THE PLANTERS, ACTED

Governor Carter was present at an inquiry into the recent influx of Portuguese into the Territory, held yesterday morning at the Immigration Station. The Governor had been requested to appear by U. S. Immigration Commissioner Sargent, those others present being Commissioner Sargent, R. S. Brown, U. S. District Attorney Breckons.

The Governor was asked regarding the statements in the Honolulu papers that the Planters' Association had had a share in bringing the immigrants to the Territory, the papers speaking of their arrival as "an achievement" for the association. He was also questioned regarding the alleged allotment of the immigrants among the plantations. It was explained to Mr. Sargent that the Territory had made a special offer of land and had given other inducements regarding the domiciling of immigrants and that through the Board of Immigration the Territorial government had brought this excursion of Portuguese from Madeira and the Azores. They had not been brought in by the Planters' Association, nor was there any compulsion used in regard to where they were to secure employment.

There was no allotment made, nor were the people forced to go anywhere or to do anything after their arrival. All the expenses of the excursion had been borne by the Territorial Board of Immigration.

Miss Gertrude Hill, daughter of Hill the railroad magnate, was married to Michael Gavin of New York at St. Paul.

The C. M. & St. P. Ry. has granted an increase of wages of four cents an hour to switchmen and yardmen on the entire system.